

WC 10-101

IDAHO PUBLIC UTILITIES COMMISSION

STATEHOUSE
BOISE, IDAHO 83720
334-3143



CONLEY WARD, JR., President
PERRY SWISHER, Commissioner
RICHARD S. HIGH, Commissioner

FILED/ACCEPTED

APR 26 2010

JOHN V. EVANS
Governor

Federal Communications Commission
Office of the Secretary

DOCKET FILE COPY ORIGINAL

January 15, 1985 RECEIVED

JAN 16 1985

Federal Communications Commission
Attn: Margaret Wood, Esq.
Room 6206
1919 M Street, N.W.
Washington, DC 20554

ENFORCEMENT DIVISION

RE: Compliance With the Cable Communications Policy Act of 1984

Dear Ms. Wood:

Enclosed you will find 15 copies of Commission Order No. 19380 in Case No. P-300-31. The above referenced Order adopts effective rules and regulations for the fulfillment of Idaho's authority to regulate cable pole attachment rates, terms and conditions. These rules were adopted on an emergency basis and became effective on and after January 15, 1985.

This communication is being sent to you by express mail. You should, therefore, have sufficient time to review the enclosed and respond before January 22, 1985 should you require any additional information.

Please address any correspondence to me at the above address.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Myrna Walters".

Myrna Walters
Commission Secretary

Enclosure
pr/vs/122J

JAN 15 1985

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE PROMULGATION)
OF RULES AND REGULATIONS GOVERNING)
CONSIDERATION OF PROCEEDINGS TO)
SET CABLE POLE ATTACHMENT RATES)
AS REQUIRED BY THE CABLE COMMUNI-)
CATIONS POLICY ACT OF 1984 . . .)

CASE NO. P-300-31

ORDER NO. 19380 **RECEIVED**

JAN 16 1985

ENFORCEMENT DIVISION

On October 30, 1984, the President signed into law the Cable Communications Policy Act of 1984, Public Law No. 98-549. Section 4 of the Act amends Section 224(c) of the Communications Act of 1934, which authorizes state regulatory commissions to set the rates, terms and conditions for cable pole attachments, by adding the following:

(3) For purposes of this subsection, a State shall not be considered to regulate the rates, terms, and conditions for pole attachments --

(a) Unless the State has issued and made effective rules and regulations implementing the State's regulatory authority over pole attachments, and

(b) With respect to any individual matter, unless the State takes final action on a complaint regarding such matters --

(i) Within 180 days after the complaint is filed with the State, or

(ii) Within the applicable period prescribed for such final action and such rules and regulations of the State, if the prescribed period does not extend beyond 360 days after the filing of such complaint.

I.C. §61-528 gives this Commission jurisdiction and authority over the rates, terms and conditions of cable pole attachments when a public utility and cable television company are unable to agree upon those rates, terms and conditions. In our initial proceeding under that section, we interpreted its final sentence which provides that the procedure set forth elsewhere in the Public Utilities Law shall apply to a request by a utility to increase its cable pole attachment rates. See Order No. 19229 issued in Case No. U-1008-206 on November 7, 1984. By a directive of the Federal Communications Commission issued January 9, 1985 and by this Order, we hereby adopt as emergency rules and propose as permanent rules procedures patterned after I.C. §61-622 that will apply to complaints filed by utilities and by cable operators alike and that will comply with the requirements of Section 4 of the Cable Communications Policy Act of 1984. Our rules adopted as emergency rules and proposed as permanent rules are shown in Appendix A to this Order.

We propose the permanent rules pursuant to Notice-and-Comment rulemaking under Rule 24.19 of this Commission's Rules of Practice and Procedure. We will accept written comment concerning our proposal on or before Friday, February 22, 1985. Written comments with regard to this proposed permanent rule should be headed by the case caption and case number shown


on the first page of this Order and should be addressed to Myrna J. Walters, Commission Secretary, Idaho Public Utilities Commission, Boise, Idaho 83720.

O R D E R


IT IS THEREFORE ORDERED that the rules shown in Appendix A to this Order be adopted as emergency rules on the date of this Order and proposed as permanent rules.

IT IS FURTHER ORDERED that written comments directed to the proposed permanent rules be filed with the Commission Secretary on or before Friday, February 22, 1985.

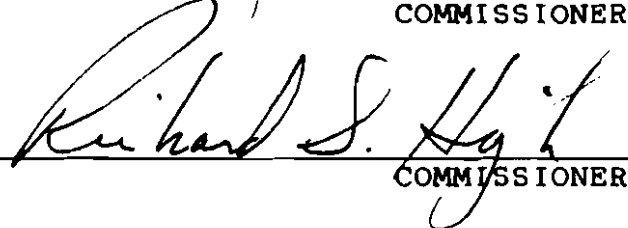
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho, this 15th day of January, 1985.



PRESIDENT




COMMISSIONER



COMMISSIONER

ATTEST:



SECRETARY

cb/mg21L

IDAPA 31.J

RULES AND REGULATIONS ESTABLISHING PROCEDURE
FOR CONSIDERATION OF PROCEEDINGS TO
ESTABLISH RATES, TERMS OR CONDITIONS
FOR CABLE POLE ATTACHMENTS

1. Whenever a public utility and a cable television company are unable to agree upon the rates, terms or conditions for pole attachments or the terms, conditions or cost of production of space needed for pole attachments, and either the public utility or the cable television company files an application, complaint or petition asking the Commission to establish and regulate the rates, terms and conditions, the Commission shall decide the case within 30 days; provided, the Commission shall have the right, upon reasonable notice, to enter upon a hearing concerning the propriety of such proposed rate, term or condition and to extend its period for considering the application, complaint or petition an additional 30 days plus 5 months and, for good cause shown on the record, an additional 60 days.

2. The Commission's Rules of Practice and Procedure, IDAPA 31.A, shall apply to all proceedings concerning the rates, terms or conditions for cable pole attachments, provided, that any such proceeding, whether denominated in application, complaint or petition, shall be processed according to the time table of Rule 1 above.

JAN 15 1985

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE PROMULGATION)
OF RULES AND REGULATIONS GOVERNING)
CONSIDERATION OF PROCEEDINGS TO)
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We propose the permanent rules pursuant to Notice-and-Comment rulemaking under Rule 24.19 of this Commission's Rules of Practice and Procedure. We will accept written comment concerning our proposal on or before Friday, February 22, 1985. Written comments with regard to this proposed permanent rule should be headed by the case caption and case number shown

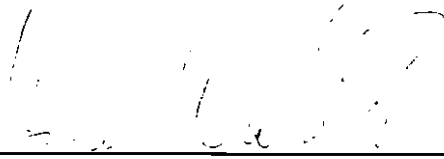
on the first page of this Order and should be addressed to Myrna J. Walters, Commission Secretary, Idaho Public Utilities Commission, Boise, Idaho 83720.

O R D E R


IT IS THEREFORE ORDERED that the rules shown in Appendix A to this Order be adopted as emergency rules on the date of this Order and proposed as permanent rules.

IT IS FURTHER ORDERED that written comments directed to the proposed permanent rules be filed with the Commission Secretary on or before Friday, February 22, 1985.

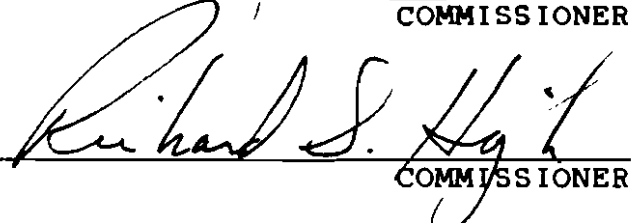
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